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THE STUDENT'S GUIDE TO SPECIAL EDUCATION

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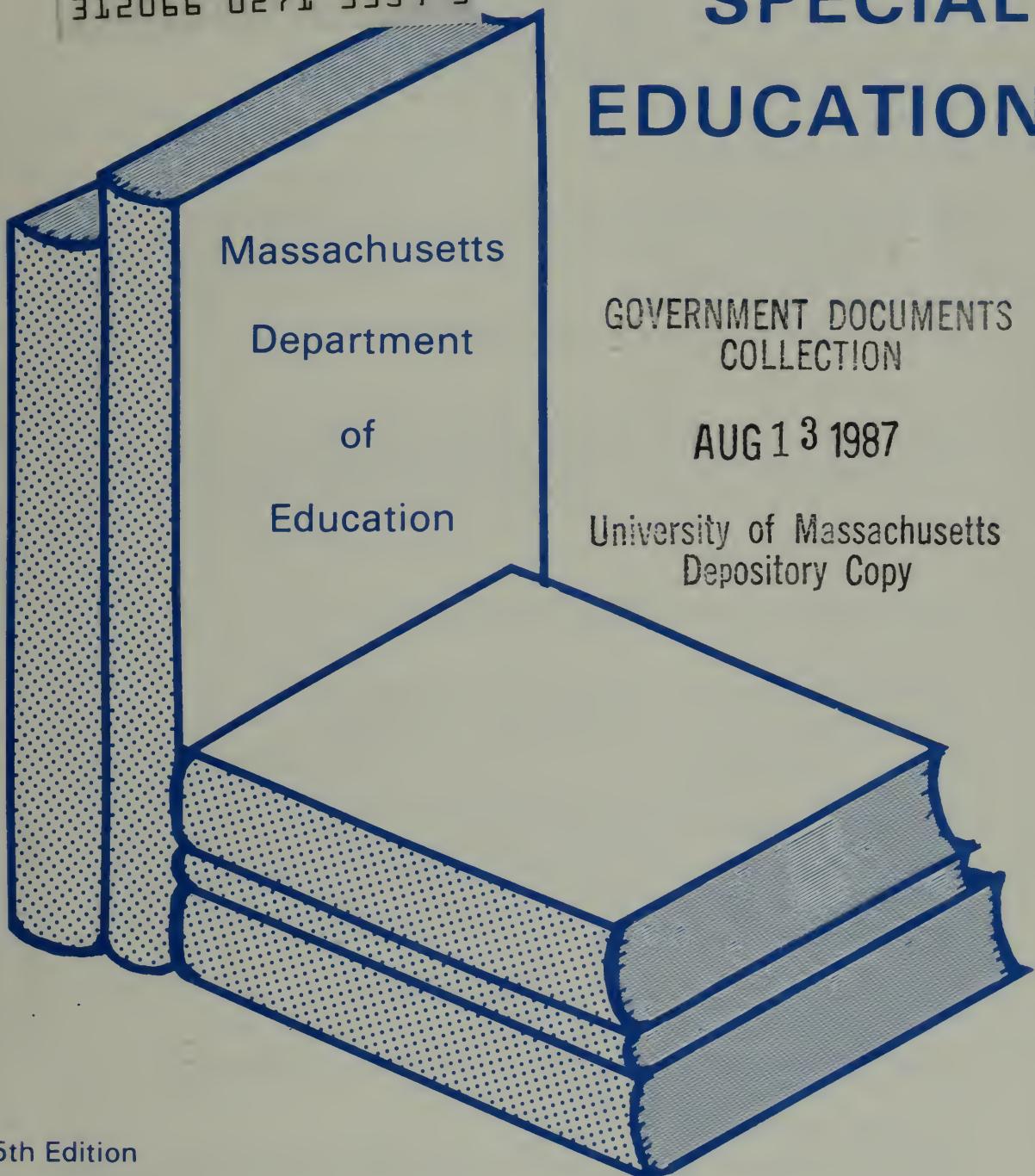
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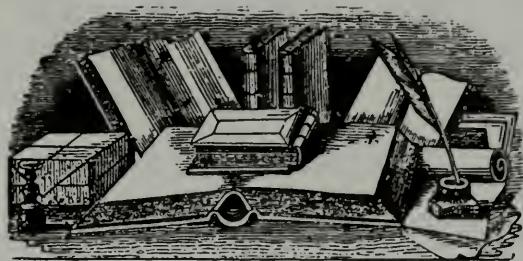
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The Student's Guide To Special Education

Revised Edition

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INTRODUCTION

This handbook was written to give you, the student, important information about Chapter 766, the Massachusetts special education law. The students who revised this feel that all people, especially students, should understand this law since it affects all of us, not just students in need of special educational services.



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THE HISTORY OF CHAPTER 766

Chapter 766 is a Massachusetts state law that applies to all people ages three to twenty-two who have not graduated from high school. It says that if students have special needs they should be given any help they need to allow them to stay in a regular school program as much as possible. A special need, to put it as simply as possible, is any problem a student might have that would make it very hard or impossible for him or her to get a good education in a regular school setting. The law does not say that students have to be in a regular program if a separate program would be better.

The main idea behind Chapter 766 is that all people ages three to twenty-two are entitled to a good education at public expense and no one should be denied this education because he or she has a special need.

For a long time, students with special needs were either sent to separate schools or classes or often were kept in the regular program with no extra help. Sometimes they received no formal education at all. Then, in the early 1960's, more money started being spent on helping students who had special needs. People continued to put these students into separate classes and schools because most people thought it was best for them.

Around 1968 some studies suggested that separate classes for students with special needs were often no better than regular classes, and even when separate classes were good, it was not right to force some people to be separated from everyone else.

Parents, with the support of teachers and legislators, put these ideas into a law which became **Chapter 766 of the Acts of 1972**. The law went into effect in 1974. It has been, and still is, being revised and improved.

THE EVALUATION PROCESS

Introduction

The **evaluation process** is a carefully planned way to find out if a student needs special education services. It involves the student, his or her parents, teachers and other people in the school and community. These people make up the evaluation team.

If the team decides that a student does not need special educational services, the student will stay in a regular program. If the team decides that a student does need special services, they will write an individualized educational plan (IEP) for the student to meet his or her special needs. Often, students and teachers will be given the extra help needed to allow a student with special needs to remain in a regular school program.

An important part of the law is that before the evaluation process starts, the school should do whatever it can to meet everyone's needs in a regular school program. The idea is not just to change the student to fit the school; it is also to change the school to fit the needs of the people the school is made for—students.

The way we have presented the 766 process is the ideal—the way it is supposed to be. A school might provide good special educational services without following this model exactly. However, the school should still have a very carefully planned program in which students and parents can be involved.

Referral

If someone thinks you might need special help at school, he or she can refer you for an evaluation. The referral is made to the special education administrator of the town where your parents live (or where you live if you are eighteen years of age or older). The people who can refer you are:

- your parents or guardians
- one of your teachers or other school officials
- a social worker, judicial officer, or your family doctor.

If you think you might want special help at school, ask any one of the above people to refer you for an evaluation. If you are eighteen years of age or older, you can refer yourself to the special education administrator.

Notice to Parents

Within five days after a special needs referral a written notice will be sent to your parents. If your parents do not speak English, the notice has to be written in the language they speak. If they do speak English, it should be written in plain English—in a way that is easy to understand. Although a student under eighteen does not receive a copy of this notice, your parents can share this information with you. The notice will tell you that a referral for an evaluation has been made, who made it, and why. It also explains the evaluation process to you and informs you of your rights.

Understanding these rights is important. They will give you and your parents an idea of your part in the process. Your rights are:

1. If you are fourteen years of age or older, you have the right to attend all meetings to help you write your own individualized educational plan. If you are under fourteen and still want to attend, you must get permission from your evaluation team chairperson. Your parents also have the right to attend all meetings concerning the writing of your IEP.
2. Your parents have the right to bring anyone they want to all the meetings at their own expense. They can be advocates, professionals, your parents' friends, your friends or anyone else who you think could be helpful.
3. Within the thirty school days after your school receives your parents' written consent, your evaluation must take place.
4. Your parents have the right to request a meeting before the evaluation. This meeting is described in the next section.
5. Upon request, to any or all of the additional assessments: medical, psychological, and home.
6. Parent's written consent prior to any other action.
7. Independent evaluation at school committee expense at an approved facility.



Meeting Before The Evaluation

When you and your parents receive the notice that you have been referred for an evaluation, you will probably have questions about what the evaluation means, why you have been referred for one and exactly how it will affect you. Your parents then have the right to request a meeting with the chairperson or designee who is on your evaluation team. This is the time to have your questions answered. If you are fourteen years of age or older you have the right to be involved in this meeting.

Some of your teachers will be involved in your evaluation. During this meeting you can suggest the names of teachers that you would like to be involved in the process. This meeting is also a good time to explain what you need from your education. Another important purpose of this meeting is for you to find out what your part will be in the evaluation process.

The Evaluation

Understanding the evaluation process is very important. The evaluation team will study your abilities, as well as your needs, to see how they affect the way you learn in school. After the evaluation, an individualized educational plan (IEP) will be written to meet your individual needs if the team decides that you need special help. The plan lets you and your teachers know what your school expects you to get done.

Parts to the TEAM:

1. Educational status—Someone from your school will tell the evaluation team how you are doing in school now, how you have done in the past, and any special services you have received so far.
2. School performance—a teacher who recently had or currently has you as a pupil will see if your abilities equal your current regular educational program, as well as your behavior with fellow students, teachers and other adults.
3. Additional assessments as needed, these may include:
 - a. medical examination to identify physical programs;
 - b. psychological examination to identify how you may learn best and why you may be having a problem;
 - c. family history—a nurse, social worker, or school counselor will meet with your parents. This can be in your home if your parents give written permission. The person meeting with your parents will ask about how you get along with others at home or in the neighborhood, and what you were like growing up. Anything they ask has to have something to do with planning an educational program for you.



The Individualized Educational Plan (IEP)

The Team gathers information during your evaluation that is used to write your IEP. This plan explains how the school is going to give you an education that meets your individual needs.

The IEP should contain information about your learning style. It should talk about what you are good at and how you learn best. It should also state whether or not you will spend any time out of the regular classroom and why. It should be very clear about what you are going to get out of your education, and how it will be measured.

The plan should describe any special services you will be receiving. It should also tell you who is going to give you any extra help that you might need. For example, the plan cannot just say that you should go to a resource room. It has to explain exactly why the resource room can help you and why the regular classroom cannot give you what you need.

The one question that you should always ask about your IEP is, "How is this going to help me?"

In addition, the IEP should describe how you will participate in regular education and when and how you will be able to graduate.

Meeting After The Evaluation

Within ten days after the completion of your evaluation you and your parents will receive either a copy of your IEP or a notice telling you that you do not need special educational services. If you do receive the IEP it is important to look it over carefully to make sure that you understand every part of it. If you have any questions about this plan they must be answered. Your parents have the right to request another meeting with a member of the evaluation team to discuss the plan and answer your questions. Remember: this program is going to affect your whole education, so it is very important for you to understand every part of it.



Parental Decision: Appeals

Once you and your parents have gone over your copy of the IEP or the notice telling you that you do not need special services, you and your parents must decide if you want to accept or reject this decision, or postpone the decision pending an independent evaluation.

If you decide to reject the evaluation team's decision, you can go through an appeals process. During the thirty days after you reject the decision, you and your parents have the right to meet informally with the school. A mediator from the Bureau of Special Education Appeals from the Massachusetts Department of Education will also go with you to this meeting to help you understand this process better. This meeting is your chance to discuss your educational plan or the decision that you do not need special services and try to work out the differences that caused you to reject it.

If an agreement cannot be reached through this parent/school conference, the next step is a hearing. This is a formal meeting between parents, the school department, and a hearing officer. The mediator from the Bureau of Special Education Appeals can explain to you how the hearings work and what your rights are and who will run the meeting as cases can be appealed as high as Superior Court, but it is usually best to try to work things out during the thirty day discussion period.

During the appeals process you can stay in the program you have been in, unless your parents and the school both agree that another program would be better.

If you feel the IEP offered you does not meet with your learning needs, or if the evaluation team decided that you do not need special services, but you think you do, the appeals process is very important. Take advantage of the support given to you by the Bureau of Special Education Appeals and work with the school towards an acceptable program.



START

I AM HAVING DIFFICULTY
IN SCHOOL!



/ / / /
MY TE
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THI

NOTIFICATION OF REFERRAL

THE LETTER INFORMS US THAT
THE SCHOOL WANTS TO FIND
OUT HOW I CAN LEARN BEST!



THEY
WANT
TO
HAVE
AN

EVALUATION

3
DAY

DURIN
AFTER
LETT
THE PARE
THRO
EVAL

WE THEN HAVE
MEETINGS
WITH MY
TEACHERS
AND
GUIDANCE
COUNSELORS



AT THE END OF
30 DAYS
WE HAVE
DEVELOPED
A PLAN
FOR MY
EDUCATION

... AND HAS A
CONFERENCE
WITH THE
PRINCIPAL!

REFERRAL

THEY
DECIDE
TO REFER
ME FOR AN
EVALUATION!

ACHER
IZES

5
DAYS

FIVE WORKING DAYS
AFTER THE **CONFERENCE**
MY PARENTS AND I
RECEIVE A LETTER
IN THE MAIL.

MEETING BEFORE THE EVALUATION



FIRST MY PARENTS AND I
MEET WITH THE **PRINCIPAL**
TO DISCUSS THE EVALUATION
AND HOW IT MIGHT HELP ME.

WE HAVE
LOT OF
QUESTIONS
TO ASK,

?

WE'RE NOT
TAKING ANY
CHANCES!

30

MY
PARENTS
AND I
HAVE 30
DAYS TO
DISCUSS
MY PLAN

WE
ALSO
MUST DECIDE
TO ACCEPT
OR REJECT
MY PLAN. IF
WE ACCEPT..

...AS SOON AS
POSSIBLE...



... MY NEW
EDUCATION
PROGRAM
WILL BEGIN!



Receiving Your Special Services

After you and your parents approve your IEP, you should be placed in your new program as soon as possible. This is the most important stage in the process because this is where you actually begin to get the education you need—which is the whole purpose of Chapter 766.

Once you are in your program, make sure you are getting the same program you and your parents approved. If you are not getting the right services, the educational plan review described in the next section will help you.

Individualized Educational Plan Review

Periodically your progress will be described in a written report prepared by a person on your evaluation team or on your report card.

Every ten months your teachers and your evaluation team will discuss your progress in detail to decide:

1. Whether you are getting what you should from your IEP
2. Whether you are ready to move on to another program, and
3. Whether your IEP should be changed to suit your needs better.

If the evaluation team decides that changes need to be made, they will revise your IEP. They may decide that some tests need to be redone or new ones added.

The important thing to remember is that if you are fourteen years of age or older, you have the right to participate in this process.

If you are not receiving the educational services you and your parents approved or if you are not satisfied with the services you are receiving, be sure to request a review from the person in charge of your evaluation immediately.

STUDENTS' RIGHTS

Now that you are aware of the special education process and how it will affect you, it is important for you to know and understand your rights. There are also rights of parents and students eighteen years of age or older, but they are not stressed in this section.

The numbers in parentheses refer to the paragraph numbers of the Chapter 766 regulations.

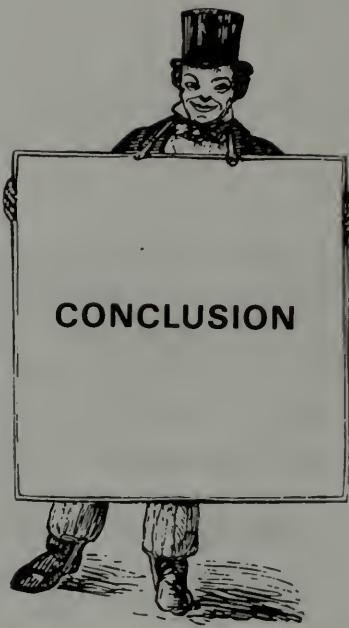
All of the parents' rights mentioned in this section become your rights once you become eighteen years of age. (207.2)

1. If you are fourteen years of age or older, you have the right to be present at your evaluation meetings and to help write your own IEP. (311.4)
2. The language used at your evaluation meetings should be the language used at your home. (203.0)
3. When attending meetings during the process your parents may bring anyone they want with them at their own expense. These may be their friends, your friends, advocates, or anyone who could be helpful. (209.0)
4. During the evaluation process you may stay in the classes you are already in, unless your parents or the special education director thinks that this is not in your best interest. The regional office of the Department of Education has to approve an emergency placement in a special program. (327.0 - 331.0)
5. If your parents give written permission, the school can make a home visit to get information about your home life. The questions that are asked should be important to your education otherwise the school should not be asking them. (319.3 (c))
6. Within thirty days after your IEP has been written, you and your parents have the right to meet with any members of your team to talk about the plan. (326.0) You should be given a copy of your IEP. You and your parents have thirty days to accept or reject your IEP. (325.1) If you accept it, you should begin your program as soon as possible. (330.0) If you and your parents decide to reject the plan, you may appeal it to the Bureau of Special Education Appeals. (400.0) See Appeals section, page 11.

7. If the evaluation team finds that you are not in need of special services, this decision can also be accepted or rejected. If you decide to reject it, you must go through the appeals process. (400.0)
8. If you are fourteen years of age or older, or in the ninth grade, you have the right to see all information in your school file about your education. In fact, you have the right to see anything the school keeps on file about you. (Student Records Regulations)
9. The only people who are allowed to look at your school records without you or your parents permission are, school officials, teachers who need the information to work with you, and certain state Department of Education people. Anyone else must have written permission from your parents or from you, if you are fourteen years of age or older or in the ninth grade. (Student Records Regulations)
10. You have the right to participate in all regular education programs, services, or extra curricular activities, such as music, counseling and health services, physical education, or any after school clubs or sports teams. (502.12 (e)) Physical education programs should be available too, and meet the needs of all students. If you need a special gym class, it should be in your IEP and the school must provide it. (502.12 (f))
11. If you are eighteen years of age or older and you are referred, you cannot be given an evaluation if you do not want one. (207.2)
12. If you are ill and your doctor certifies that you will have to remain out of school for fourteen school days or more in order to protect the health or safety of yourself or others or if you are chronically ill and will be at home or in a hospital for recurrent periods of less than 14 days the school must provide you with a home tutoring or hospital program. You will not need an evaluation unless your doctor thinks that you need one or states that you will have to remain out of school for more than sixty days. (502.7)

13. You cannot be kept out of school because you are pregnant or have a child. You are entitled to participate in all activities on the same basis as other students. (See number 12, however, concerning the right to a home tutoring program or hospital program when your doctor states that you must remain out of school for health or safety reasons.)
14. If you are sixteen or older and planning to leave school, your school must tell you the rights you have under Chapter 766 and any alternative education programs that are available in your school system. (207.1) If you have already left school, the school has to make an effort to inform you of your rights under Chapter 766 and any alternative programs that are available in your school system. (207.1)





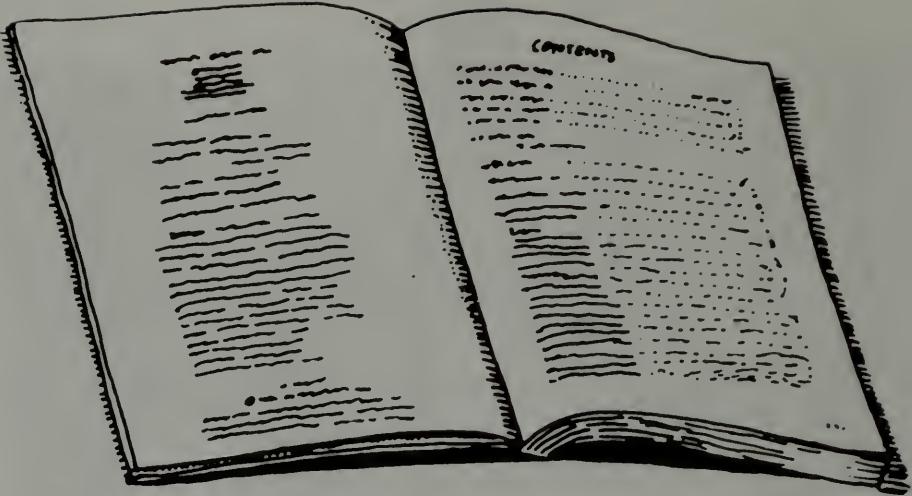
Often, when things are not going smoothly, people tend to blame all their problems on one thing. This seems to happen in schools with Chapter 766. Everything becomes the fault of Chapter 766. People say things like: "We had good programs before 766," or "Chapter 766 gets in the way." or, "Chapter 766 is taking money away from regular programs." All these statements have some truth to them. However, it is also true that before Chapter 766 was created, there were some schools, especially high schools, with no programs for students with special needs. If you did not fit into the high school "mold," you either dropped out or were sent off to a special school or class.

We have talked to a lot of students who feel good about the Chapter 766 process. They felt that they got a lot of help from it. There were students we talked to who did not like it. They said it made things too complicated or it promised a lot but really did not help.

Another complaint is that Chapter 766 labels students. In spite of the fact that the law was designed to get rid of labeling, it still happens. But the law does not label, people do. Because of this, some students might feel uncomfortable about going through the evaluation process. But by understanding the law and sharing your knowledge with others, you can explain that having changes in regular programs or in the kinds of special help available is not unusual. In fact, it is just a part of treating all students as individuals.

Chapter 766 is not perfect. It is not the final answer. But if you understand it, Chapter 766 can help you and your fellow students.





GLOSSARY

Words You Should Know

Administrator of Special Education — A person in charge of all special education programs and services in your school system (sometimes called a "Sped director").

Advocate — A person who helps you protect your rights. The resource section of this handbook can tell you where you can get an advocate.

Assessment — A test or observation which describes your ability in a specific area.

Evaluation — A group of tests and assessments which determine the ways you learn best. The evaluation team uses this information to write your individualized educational plan (IEP).

Evaluation Team — The group of people who, with you and your parents, find out if you have special needs, and develop your IEP.

Evaluation Team Chairperson — One member of the evaluation team who runs the meetings. He or she is responsible for filling out forms and getting materials for your evaluation.



Hearing Officer — A representative from the Bureau of Special Education Appeals.

Individualized Educational Plan — The plan prepared by the evaluation team which describes your special needs and tells what educational program and services you will receive. This is often called an IEP.

Judicial Officer — A judge, probation officer, or clerk of the courts.

Mainstreaming — Integrating students who have special needs into regular school programs.

Mediator — Staff member of the Bureau of Special Education Appeals who assists you during the meeting after the IEP is questioned.

Parent/School Conference — An informal meeting between parents and the evaluation team to work out any differences which caused your parents to reject the IEP or the finding that you do not need special educational services.

Prototype — A category for the amount of time a student in need of special services is out of the regular classroom.



Psychological Study — A test given by a psychologist to find out about your personality and the way you learn.

Referral — A request for you to have an evaluation. This begins your evaluation process.

Resource Room — A room in your school with educational material that all teachers can use to help their students. Students can also go there to get tutoring or extra help in school.

Student Records Regulations — Laws about how a student's records should be kept, who can see them, and how they can be used. The resource section can tell you how to get information concerning student records regulations.

Special Classes — A class where you receive extra services and help that you cannot get in a regular class.

Specialist — A person specially trained in any profession.



Where To Get More Information

MASSACHUSETTS DEPARTMENT OF EDUCATION

Central Office:
Division of Special Education
1385 Hancock Street
Quincy, MA 02169
(617) 770-7464

Office of the Deputy Commissioner
Bureau of Special Education Appeals
1385 Hancock Street
Quincy, MA 02169
(617) 770-7498

Division of Curriculum and Instruction
Student Services
1385 Hancock Street
Quincy, MA 02169
(617) 770-7588

Regional Education Centers:

Special Education Directors:

Greater Boston Regional Education Center
75 Acton Street
Arlington, MA 02174
(617) 641-4870

Central Massachusetts Regional Education Center
Beaman Street, Route 140
West Boylston, MA 01583
(617) 835-6267

Northeast Regional Education Center
219 North Street
North Reading, MA 01864
(617) 664-5724

Southeast Regional Education Center
P.O. Box 29
Lakeville, MA 02346
(617) 947-1231

Northwest Regional Education Center
Mark Hopkins Hall
Church Street
North Adams, MA 01247
(413) 664-4511

Greater Springfield Regional Education Center
88 Massasoit Avenue
West Springfield, MA 01089
(413) 739-7271

Student Advocacy

Massachusetts Advocacy Center
76 Summer Street
Boston, MA 02110
(617) 357-8431

Office for Children
150 Causeway Street
Room 901
Boston, MA 02114
(617) 727-8900

Special Education Organizations

Federation for Children with Special Needs
312 Stuart Street
Boston, MA 02116
(617) 482-2915

Massachusetts Association for Children with Learning Disabilities
P.O. Box 28
West Newton, MA 02165
(617) 891-5009

Massachusetts Association for Retarded Citizens
217 South Street
Waltham, MA 02154
(617) 891-6270

Student Records Regulations

Information concerning the student records regulations can be obtained at any of the Student Service Centers located in each of the regional education centers.
